

FILED

JUN 27 2025

United States District Court

Heidi D. Campbell, Clerk
U.S. DISTRICT COURT

Case No. _____

(To be filled out by Clerk's Office only)

25 CV - 324 JDR - JFJ

Randy Hamett

(In the space above enter the full name(s) of the plaintiff(s).)

Inmate Number 15306062

Fourth Amendment malicious-
Prosecution Per 42 U.S.C.
§1983 Lack of Probable Cause
(Pro Se Prisoner)

-against-

City of Broken Arrow of Oklahoma
City of Siloma Springs Arkansas
ET AL.
ET AL.

Jury Demand?

☒ Yes
☐ No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

IFP pending
summons

Mail ☒ No Cert Svc ☐ No Orig Sign
C/J ☐ C/MJ ☐ C/Rtd ☐ No Env
No Cpy's ☒ No Env/Cpy's ☐ O/J ☐ O/MJ

I.

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

Randy Hamett
Name

15306-062
Prisoner ID #

Butner FCI 2
Place of Detention

P.O. Box 1500
Institutional Address

Butner
City

NC
State

27509
Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☐ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☒ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

City of Broken Arrow (Police Dept)
Name

OFFICERS (who Took Truck and Trailer off Tribal Land)
Current Job Title

Broken Arrow Police Department
Current Work Address

Broken Arrow OK 74015
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 2:

City of Siloma Springs Arkansas
Name

OFFICERS (who ARRESTED Hamett on a Void Protection ORDER of OKLAHOMA)
Current Job Title

Siloma Springs
Current Work Address

Siloma Springs Arkansas
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant(s) Continued

Defendant 3: NA
Name

Current Job Title

Current Work Address

City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

Defendant 4: NA
Name

Current Job Title

Current Work Address

City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: Creek Tribal Land and Seloma Springs ArkansasDate(s) of occurrence: 4-26-2017

State which of your federal constitutional or federal statutory rights have been violated:

Fourth and fourteen Amendments

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

Broken Arrow Police Department called Seloma Springs Police Department, that Hamett was with alisa Hamett and he was breaking a Oklahoma Protection order. That was void from the beginning. (a b into). Hamett was arrested and imprisoned in Arkansas for 5 months. after which time, Arkansas notified Oklahoma to either send evidence or pick up Hamett or he would be released in 14 days. Oklahoma picked up Hamett he took back to Oklahoma, Charge Him and imprisoned for 3 months to 4 months. Hamett's truck was taken off private property on Tribal land. Truck and Trailer was lock in storage used by BAPD - Broken Arrow Police Dept. Oklahoma has never had (S.M.J.) Subject Matter Jurisdiction over Native Americans on Tribal land. See McGirt v Oklahoma Note (9) mine, Oklahoma knew this lack of S.M.J since 1997 also in 2017 then after McGirt Supreme Court ruling accepted they have no S.M.J to hear Native American case on Tribal land. without S.M.J

What
happened
to you?

all Oklahoma Court cases of Native Americans on Tribal land are Void ab initio. Since the Protection order (P.O.) was void, Oklahoma court or Selma Springs, Arkansas could not reach "Probable Cause" on Charge of P.O. violation. See *Chisaverini v. City of Napoleon* 2023 US LEXIS 865, 2023 WL 152477 "...Fourth Amendment a pretrial detention counts as an unreasonable seizure, unless it is based on probable cause..." "So if an invalid charge causes a detention to start or continue, then the Fourth Amendment is violated..." The North Herx Federal District court of Oklahoma used the Oklahoma "Void" P.O. as one of the charges against Hamett, which taints all other charges in Hamett's case. See *Chisaverini* 2023+2024. This Fourth Amendment Malicious-Prosecution caused Hamett great personal and financial loss, and great damage to loss of evidence.

When did it
happen to
you?

The loss of evidence, because of the length of time, 1) Held in Arkansas (one set of attorneys) 2) taken back after 5 months to Oklahoma, charged (second set of attorneys) held for 4 months then turned over to Federal Government 3) (Third set of attorneys) By this time a great amount of evidence is lost. By then the Walmart video, that was gathered and booked into evidence by (BAPD) Broken Arrow Police Department, secured evidence room. This is "Spoilization". BAPD was to safe guard the evidence yet they give property to Alisa Hamett, without knowing who the property belongs. Many items of Hamett's property is now unaccounted or missing. Items taken out of Hamett's truck, a tool Box in back of truck pryed open. When discovery photos, show they had the keys of Hamett's truck + trailer which had the Tool Box lock keys. Why pry open the Tool Box, because search the truck the night

Where did it
happen to
you?

What was
your
injury?

Hamett was arrested april 26, 2017 after 10:30 at night. They had no warrant, no probable cause, NO Subject matter Jurisdiction. They were on private property that is in the Tribal Land of the Creek Nation. There is a smoke shop less than a block away where this smoke shop has to be on Tribal land. BAPD knew or should of known this fact. The shop is in plain view of Hamett's truck and Trailer. What was the Law at the time of Hamett's false arrest and imprisonment? This is easy to see in the McGirt 2020 ruling at note (9) nine. Oklahoma knew they did not have (SMT) Subject matter Jurisdiction. As stated by Neil Gorsuch U.S. Supreme Court Justice; McGirt 2020 "...Today we are asked whether the land these treaties promised remains an Indian reservation for the purposes of federal Criminal Law..." "...Because Congress has not said otherwise we hold the government to its word..." "...But it does require that Congress clearly express its intent to do so, [C]ommonly with an [e]xplicit reference to cession or other language evidencing the present and total surrender of all tribal interest..." As Gorsuch states the Treaty is still the Law on Tribal Land. That makes all Oklahoma State courts without "SMT" therefore unable to hear or rule on Native Americans on Tribal Land and all court ruling by Oklahoma State courts "Void" from the very beginning. SEE US v Baker, US v Barber, Ross v Neff, US v Budder, US v Levin So Oklahoma knew they did not have rights on Tribal land, yet they push forward to do what they wanted to do. This is the fault of great Harm to Hamett. His case should be remanded and the Broken Arrow and Sebec Springs should be held responsible.

Case Law

- 1) Oklahoma v McGirt - 140 S.Ct. 2452 <7-9-2020>
- 2) US v Baker - 894 F.2d 1144 <1-16-1990>
- 3) US v. Krueger - 809 F.3d At 1115 N 7 1124-25
- 4) US V. Peltier - 344 F Supp 2d 539 <2004>
- 5) US V. Barber - 15-40043 -CM <4-24-2016>
- 6) Ross v. Neff - 905 F.2d 1349 <1992>
- 7) State V. Brady - 388, N.W. 21 151
- 8) State Arizona v. Turtle - 443 F.2d 683 <1969>
- 9) US V. Elkins - 364 US 206 <1960>
- 10) Murphy v Royal - 875 F.3d 896, 907, n 5 <CA10 2017>
- 11) Wallace V State - 935 P.2d 366, 372, <OKlaCrim App 1997>
- 12) State V. Klindt - 782 P.2d 401 <10-30-1989>
- 13) Chiaverini V. City of Napoleon - 144 S.Ct. 1745; Lexis <2024> 2710
- 14) U.S. V. Curzi - 867 F.2d 36
- 15) U.S. V Budder - 2022 U.S. Dist Lexis 102791 <No. 6:21-CR-00099-DJS>
- 16) Groh v. Ramirez - 540 U.S. 551, 559, 124 S.Ct. 1284, 157 L.Ed2d 1068 <2004>
- 17) U.S. v Scott - 260 F.3d 512, 515 <6th Cir. 2001>
- 18) U.S. v Neering - 194 F. Supp 2d 620 <2002>
- 19) US V. Leon *Good faith rule*
- 20) US V Bookout - 810 F 2d 965 NO. 86-1461 <1967>
- 21) US V Alex Levin - 186 F Supp. 3d 26; 2016 U.S. Dist. Lexis 52907

RELIEF:

To be paid back for loss of freedom, time
Loss of storages <rental> Equipment. punitive Damages
Loss of property, photos family for their actions that caused
Harm.

Both Broken Arrow and Siloam Springs should
be held responsible for all the harm they have cause
in Hameth's life, property, and legal case.

Randy Hammett #15306062
 FCI Butner II - LB-52
 P.O. BOX 1500
 Butner, NC 27509
 Federal Correctional Institution II



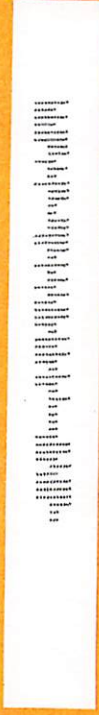
Court Clerk
 Northern District of Oklahoma
 333 West Fourth Street, Room 411
 Tulsa Oklahoma 74103-3819

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 JUN 27 2025
 Heidi D. Campbell, Clerk
 U.S. DISTRICT COURT



Postmarked 6/23/2025
 250N324-5DR-5F5

AM





FEDERAL CORRECTIONAL INST. #2
P.O. BOX 1500
BUTNER, NORTH CAROLINA 27509

DATE: 6/11/25 *and*

"SPECIAL/LEGAL MAIL"

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened or inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer enclosed correspondence for forwarding to another addressee, please return the enclosed to the above address.

